

PATENT  
Reply under 37 CFR 1.116  
EXPEDITED PROCEDURE  
Group 3677

### REMARKS

Claims 1-24 are pending in this application. Claims 1-7 are withdrawn as being drawn to a nonelected group. Claims 8, 11, 13 and 16-20 are allowed. Claims 21-24 are rejected. Claims 9, 10, 12, 14 and 15 have been previously canceled.

Responsive to the rejection of claims 21-24 under 35 U.S.C. § 103(a) as being obvious by U.S. Patent No. 5,598,994 (Olewinski et al.), Applicant respectfully traverses this rejection, and submits that claims 21-24 are now in condition for allowance.

Olewinski et al. '994 disclose a stud engaging device 10 (Fig. 2) with an interior wall 28 with four locking fingers 30 (column 2, lines 32-36).

In contrast, claim 21 recites in part: "said head including a shoulder with an inside perimeter defining a mounting through-hole, said inside perimeter being a regular polygonal shape with at least five sides." (Emphasis added.) Applicant submits that such an invention is neither taught, disclosed nor suggested by Olewinski et al. '994 or any of the other cited references, alone or in combination, and has distinct advantages thereover.

Olewinski et al. '994 disclose a stud engaging device with an interior wall with four locking fingers. The Examiner argues at page 2 that size of a prior art device is a design consideration within the skill of the art. Applicant respectfully submits that this argument is in error, or does not apply to claim 21, as the claim is defining the shape, and therefore the structure, not the size of the present invention. Further, Olewinski et al. '994 requires four locking fingers 30 on interior wall 28, and as shown particularly in Figs. 3 and 6-9 of Olewinski et al. '994, the fingers have a limited cross-section which makes them susceptible to breaking and less reliable than the present invention. The present invention provides a regular polygonal shape with

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continuous segments, any or all of which can contact the fastener depending on the orientation of the electrical tie, whereas Olewinski et al. '994 includes a total of twelve sides where only four sides (at 26, for example) can contact the fastener. Olewinski et al. '994 fails to disclose or suggest a mounting through-hole with an inside perimeter which is a regular polygonal shape with at least five sides as claimed by independent claim 21. Further, Applicant respectfully submits that the Examiner has incorrectly argued at page 2 of the Office Action that no advantage was stated relative to the claimed structure; whereas the amendment filed October 6, 2004, states at page 8: "An advantage of the present invention is that the regular polygonal shape of the inside perimeter of the shoulder tends to grip the fastener better thereby reducing the tendency of the tie to twist when holding a convoluted tubing". (Emphasis added.)

Other advantages of the present invention is that it is more cost effective to manufacture than Olewinski et al. '994, and also more reliable.

For all of the foregoing reasons, Applicant submits that claim 21, and claims 22-24 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

At page 5 of the Office Action, the Examiner has indicated claims 8, 11, 13 and 16-20 are allowed, for which courtesy the Examiner is thanked. For all of the foregoing reasons, Applicant submits that claims 8, 11, 13 and 16-20 are now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

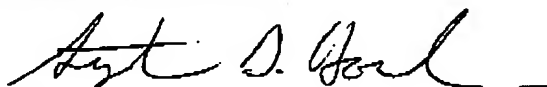
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In the event Applicants has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Stephen D. Horchem  
Registration No. 53,035

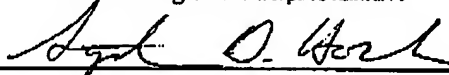
Agent for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, on: March 14, 2005

Stephen D. Horchem, Reg. No. 53,035

Name of Registered Representative



Signature

March 14, 2005

Date

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TAYLOR & AUST, P.C.  
142 S. Main Street  
P.O. Box 560  
Avilla, IN 46710  
Telephone: 260-897-3400  
Facsimile: 260-897-9300

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